

Appl. No. 09/944,318  
Pre-Appeal Brief Request for Review

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IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

Appl. No. : 09/944,318

Applicant(s) : NAUTA et al.

Filed : 8/31/2001

TC/A.U. : 2873

Examiner : STULTZ, Jessica T.

Atty. Docket : NL-000483

Title: DISPLAY DEVICE

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On: 3 March 2006

By: K. McDermott

Pre-Appeal Brief Request for Review

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the final Office action of 18 January 2006, applicant(s) request(s) review of the final rejection in the above referenced application. No amendments are being filed with this request. This paper is being filed with a notice of appeal.

This review is requested for the reason(s) stated on the attached sheet(s).

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REMARKS

**The examiner's omissions of one or more essential elements needed for a prima facie rejection:**

The Office action rejects claims 1-6, 8-9, 11-12, and 22 under 35 U.S.C. 102(b) over Jelley et al. (USP 5,377,027, hereinafter Jelley).

MPEP 2131 states:

"A claim is anticipated only if *each and every element* as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The *identical invention* must be shown in as *complete detail* as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1, upon which claims 2-12 and 22 depends, claims a display device that includes a display panel having an illumination system with an optical waveguide that is adapted for selectively coupling out light to a display panel for a group of rows of pixels or a group of columns of pixels and for coupling in light in a direction which is substantially parallel to an exit face.

Jelley fails to teach an optical waveguide that is adapted for selectively coupling out light to a display panel.

Jelley teaches continuously-open apertures 48 that always couple out light to the display panel. Jelley's apertures 48 are not controllable/switchable, and therefore these apertures cannot be said to *selectively* couple out light to a display panel.

The Office action asserts that Jelley's teaching of selectively controlling the light emitting diodes 52, 54, and 56 that provide light to the waveguide 40 constitutes a teaching of a waveguide that selectively couples out light to the display panel. The applicants respectfully disagree with this assertion.

The applicants claim a selective coupling, which, by definition, means that the coupling is selectable and/or controllable. Jelley's coupling of light from the waveguide 40 to the display 12 is not selectable or controllable. The coupling of the light to the display is independent of the amount of light that is available for coupling to the display. That is, the control of whether or not the waveguide is configured to couple light to the display, i.e. the selective coupling of the waveguide to the display,

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is independent of the amount of light that is provided by selective activation of the light emitting diodes 52, 54, and 56. In Jelley's design, the waveguide 40 is always optically coupled to the display 12, and no selective coupling occurs.

Because Jelley fails to teach an optical waveguide that is adapted for selectively coupling out light to a display panel, as specifically claimed in claim 1, the applicants respectfully maintain that the Office action fails to provide a *prima facie* case to support a rejection under 35 U.S.C. 102(b) over Jelley, per MPEP 2131.

Respectfully submitted,



Robert M. McDermott  
Reg. 41,508  
Atty for Applicant(s)

1824 Federal Farm Road  
Montross, VA 22520  
Phone: 804-493-0707  
Fax: 215-243-7525